

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC

Case No.: 6:12-cv-499

V.

TEXAS INSTRUMENTS, INC.

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**DEFENDANT ANVIZ GLOBAL, INC. ANSWER TO BLUE SPIKE LLC'S  
ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT AND  
AFFIRMATIVE DEFENSES**

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Consolidated Defendant ANVIZ GLOBAL, INC. ("Defendant")<sup>1</sup> answers the Original Complaint of Plaintiff BLUE SPIKE, LLC ("Plaintiff") filed on January 8, 2013, and states the following:

1. Defendant admits that Plaintiff asserts this is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Defendant specifically denies infringing any of the asserted patents. In all other respects not specifically admitted, Defendant denies the allegations in this paragraph.
2. Defendant lacks information upon which to form a belief as to the truth of the allegations in this paragraph, and on that basis denies each and every allegations in this paragraph.

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<sup>1</sup> This Court consolidated Defendant Anviz, Inc., along with other Defendants, into one filing, entitled *Blue Spike, LLC. v. Texas Instruments, Inc.*, Case No. 6:12-cv-499 on March 26, 2013.

3. Defendant lacks information upon which to form a belief as to the truth of the allegations in this paragraph, and on that basis denies each and every allegations in this paragraph.
4. Defendant lacks information upon which to form a belief as to the truth of the allegations in this paragraph, and on that basis denies each and every allegations in this paragraph.
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#### **REQUEST FOR RELIEF**

Defendant denies that Plaintiff is entitled to any of the relief sought in the Original Complaint.

#### **DEMAND FOR JURY TRIAL**

Defendant admits that Plaintiff has demanded a jury trial. Defendant requests a jury demand on all issues triable by jury.

#### **AFFIRMATIVE DEFENSES**

1. Defendant asserts that its use of any of its products does not infringe any of the claims of the patents-in-suit literally or under the doctrine of equivalents. Defendant

does not induce or contribute to the infringement of others or willfully infringe the patents-in-suit.

2. One of more of Plaintiff's claims are invalid or unenforceable for failure to comply with one or more of the requirements of 35 U.S.C. §§ 101, 102, 103, and/or 112.
3. Plaintiff's damages claims are limited or barred under 35 U.S.C. §§ 286 and 287.
4. Prosecution history estoppel bars Plaintiff's proposed claim constructions and/or bars Plaintiff from proving infringement on the asserted claims under the doctrine of equivalents.
5. Plaintiff has failed to allege facts supporting the award of attorneys' fees under 35 U.S.C. § 285.
6. The asserted patents are unenforceable, in whole or in part, by the doctrine of prosecution laches.
7. Plaintiff's claims are barred, in whole or in party, by the doctrines of equitable estoppel, laches, unclean hands, waiver and/or other applicable equitable defenses.
8. Defendant reserves the right to amend its answer to assert further defenses based on future discovery in the lawsuit.

Respectfully Submitted on this 26<sup>th</sup> of March, 2013 by:

*Dale J. Morgado, Esq.*

Dale James Morgado, Esq.  
FL Bar No. 0064015  
Feldman Morgado, P.A.  
100 North Biscayne Boulevard  
29<sup>th</sup> Floor, Suite 2902  
Miami, Florida 33132  
T: 305-222-7850  
F: 305-384-4676

E: dmorgado@ffmlawgroup.com

**CERTIFICATE OF SERVICE**

I certify that on March 26, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send a notice an electronic filing to all parties, including counsel for the Defendants.

*Dale J. Morgado, Esq.*  
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Dale James Morgado, Esq.